



6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

2:22-CR-187-JCM-BNW

9 Plaintiff,

Preliminary Order of Forfeiture

10 v.

11 DAVID MICHAEL BURAK, JR.,

12 Defendant.

13 This Court finds David Michael Burak, Jr., pled guilty to Count One of a Two-
14 Count Criminal Indictment charging him in Count One with receipt or distribution of child
15 pornography in violation of 18 U.S.C. § 2252A(a)(2). Criminal Indictment, ECF No. 1;
16 Change of Plea, ECF No. 32, Plea Agreement, ECF No. 33

17 This Court finds David Michael Burak, Jr., agreed to the forfeiture of the property
18 set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment.
19 Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 32, Plea Agreement, ECF No.
20 33

21 This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of
22 America has shown the requisite nexus between property set forth in the Plea Agreement
23 and the Forfeiture Allegation of the Criminal Indictment and the offense to which David
24 Michael Burak, Jr., pled guilty.

25 The following property is (1) any visual depiction described in 18 U.S.C. § 2252A,
26 or any book, magazine, periodical, film, videotape, or other matter which contains any
27 such visual depiction, which was produced, transported, mailed, shipped or received in
28 violation of 18 U.S.C. § 2252A(a)(2) and (2) any property, real or personal, used or

1 intended to be used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(2) or
2 any property traceable to such property and is subject to forfeiture under 18 U.S.C.
3 § 2253(a)(1) and 2253(a)(3).

- 4 1. a Western Digital 4TB SATA hard drive, Model No. WD40EZRL, Serial No.
5 WCC7K2VLT59Z;
- 6 2. a San Disk 64GB Micro SD card;
- 7 3. an ADATA SSD 512GB SATA hard drive, Model No. ASU800SS-512GT,
8 Serial No. 215120023783;
- 9 4. a Toshiba 2TB external hard drive, Serial No. Y752TMKSTSVF;
- 10 5. a black generic computer tower, Serial No. 252718389707 with a XPG
11 512GB M.2 SATA card (Serial No. 2K1520019450), a Western Digital 6TB
12 SATA hard drive (Model No. WD60EZRL, Serial No. WX21DA87CEPC),
13 and a Seagate 8TB SATA hard drive (Model No. ST8000DM004, Serial No.
14 ZR102A04);
- 15 6. a San Disk 16GB SD card;
- 16 7. a San Disk 32GB Micro SD card;
- 17 8. a San Disk 128GB Thumb Drive;
- 18 9. a Western Digital 500GB SATA hard drive, Model No. WD5000AZRX,
19 Serial No. WMC1U3977227; and
- 20 10. an Acer Laptop Computer, Model No. Aspire 5252 Series, Serial No.
21 LXR48020130423E7951601 with an ADATA SSD 250GB SATA hard drive
22 (Model No. SU630, Serial No. 215120040462)

23 (all of which constitutes property).

24 This Court finds that on the government's motion, the Court may at any time enter
25 an order of forfeiture or amend an existing order of forfeiture to include subsequently
26 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

27 This Court finds the United States of America is now entitled to, and should, reduce
28 the aforementioned property to the possession of the United States of America.

1 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
2 DECREED that the United States of America should seize the aforementioned property.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
4 rights, ownership rights, and all rights, titles, and interests of David Michael Burak, Jr., in
5 the aforementioned property are forfeited and are vested in the United States of America
6 and shall be safely held by the United States of America until further order of the Court.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
8 of America shall publish for at least thirty (30) consecutive days on the official internet
9 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
10 describe the forfeited property, state the times under the applicable statute when a petition
11 contesting the forfeiture must be filed, and state the name and contact information for the
12 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
14 or entity who claims an interest in the forfeited property must file a petition for a hearing to
15 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C.
16 § 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under
17 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
18 petitioner's right, title, or interest in the property, the time and circumstances of the
19 petitioner's acquisition of the right, title or interest in the property, any additional facts
20 supporting the petitioner's claim, and the relief sought.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
22 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
23 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
24 not sent, no later than sixty (60) days after the first day of the publication on the official
25 internet government forfeiture site, www.forfeiture.gov, whichever is earlier.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
27 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
28 Attorney's Office at the following address at the time of filing:

1 Daniel D. Hollingsworth
2 Assistant United States Attorney
3 Misty L. Dante
4 Assistant United States Attorney
5 501 Las Vegas Boulevard South, Suite 1100
6 Las Vegas, Nevada 89101.

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8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
9 described herein need not be published in the event a Declaration of Forfeiture is issued by
10 the appropriate agency following publication of notice of seizure and intent to
11 administratively forfeit the above-described property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
13 copies of this Order to all counsel of record.

14 DATED Feb. 24, 2023, 2023.

15 
16 JAMES C. MAHAN
17 UNITED STATES DISTRICT JUDGE